

INDEX

- Abortion, 60-61, 67
- Adler, Matthew, 12
- ADLER, MATTHEW D., *State Sovereignty and the Anti-Commandeering Cases*, 158-72
- Age Discrimination in Employment Act (ADEA), 150-51
- Aid to Families with Dependent Children (AFDC), 48, 49
- Alden v. Maine*, 9, 20, 21, 83-86, 146
- Althouse, Ann, 12
- ALTHOUSE, ANN, *Inside the Federalism Cases: Concern About the Federal Courts*, 132-44
- Americans with Disabilities Act (ADA), 100-101
- Anti-commandeering doctrine, 9, 12, 57, 60, 84, 90, 123-24, 146-48, 158-72, 174
- Anti-Terrorism and Effective Death Penalty Act (AEDPA), 186-87, 189, 192
- Baker, Lynn, 12
- BAKER, LYNN A., *Conditional Federal Spending and States' Rights*, 104-18
- Brady Law, 146
- Bush v. Gore*, 13-16, 129
- Bush v. Palm Beach County Canvassing Board*, 129
- Calabresi, Steven, 10
- CALABRESI, STEVEN G., *Federalism and the Rehnquist Court: A Normative Defense*, 24-36
- Caminker, Evan, 11
- CAMINKER, EVAN H., *Judicial Solicitude for State Dignity*, 81-92
- Child Online Protection Act, 78
- Choper, Jesse, 30-31, 94, 133
- City of Boerne v. Flores*, 10, 18, 28-29, 33, 128, 139-40, 146-47, 149-54
- Civil rights, 18, 22, 29, 68-69, 74, 120, 125-27, 193
- Civil Rights Act of 1964, 16, 45, 134
- CONDITIONAL FEDERAL SPENDING AND STATES' RIGHTS, Lynn A. Baker, 104-18
- Congress, relationship with U.S. Supreme Court, 145-57
- Constitution, U.S.
 - citizenship clause, 75, 85
 - commerce clause, 9-10, 16-18, 26, 32-33, 47, 55, 57, 59, 76, 127, 133-38, 146, 147, 152, 154, 161-65
 - due process clause, 75, 76
 - Eleventh Amendment, 9, 20, 148, 150
 - equal protection clause, 13-14, 16, 74-75, 85
 - establishment clause, 85
 - Fourteenth Amendment, Section 5, 10, 16, 18-19, 26, 29, 32-33, 127-28, 139-40, 146, 149, 154
 - privileges and immunities clause, 74-75, 76, 85
 - spending clause, 104-18, 127
 - supremacy clause, 68, 160
 - Tenth Amendment, 123-24, 161
- Criminal law, federalization of, 28, 29, 47-48, 136, 142, 186
- Death penalty, 185-94
- DID THE OKLAHOMA CITY BOMBERS SUCCEED? Jordan Steiker, 185-94
- Drug-Induced Rape Prevention and Punishment Act, 47
- ELUSIVE SAFEGUARDS OF FEDERALISM, THE, Marci A. Hamilton, 93-103
- Exit and sanctuary, 72-77
- Federal courts, protection of, 132-44
- Federalism, 9-23, 24-36, 37-51, 52-65, 66-80, 81-92, 93-103, 104-18, 119-31, 132-44, 145-57, 158-72, 173-84, 185-94
- decentralization, 27-28, 39-41, 47, 49, 60-61, 64, 122
- liberty, individual, variance in, 69-73
- racism, 45, 123, 126
- FEDERALISM AND FREEDOM, Seth F. Kreimer, 66-80
- FEDERALISM AND THE COURT: CONGRESS AS THE AUDIENCE? Vicki C. Jackson, 145-57
- FEDERALISM AND THE REHNQUIST COURT: A NORMATIVE DEFENSE, Steven G. Calabresi, 24-36
- Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank*, 150-53
- Garcia v. San Antonio Metropolitan Transit Authority*, 30, 94, 133-35, 162-63, 165, 167
- Germany, Federal Republic of
 - federalism, 173-84
 - Grundgesetz (Basic Law), 33, 175-82
 - Land revenue, 177

INDEX

- Abortion, 60-61, 67
- Adler, Matthew, 12
- ADLER, MATTHEW D., *State Sovereignty and the Anti-Commandeering Cases*, 158-72
- Age Discrimination in Employment Act (ADEA), 150-51
- Aid to Families with Dependent Children (AFDC), 48, 49
- Alden v. Maine*, 9, 20, 21, 83-86, 146
- Althouse, Ann, 12
- ALTHOUSE, ANN, *Inside the Federalism Cases: Concern About the Federal Courts*, 132-44
- Americans with Disabilities Act (ADA), 100-101
- Anti-commandeering doctrine, 9, 12, 57, 60, 84, 90, 123-24, 146-48, 158-72, 174
- Anti-Terrorism and Effective Death Penalty Act (AEDPA), 186-87, 189, 192
- Baker, Lynn, 12
- BAKER, LYNN A., *Conditional Federal Spending and States' Rights*, 104-18
- Brady Law, 146
- Bush v. Gore*, 13-16, 129
- Bush v. Palm Beach County Canvassing Board*, 129
- Calabresi, Steven, 10
- CALABRESI, STEVEN G., *Federalism and the Rehnquist Court: A Normative Defense*, 24-36
- Caminker, Evan, 11
- CAMINKER, EVAN H., *Judicial Solicitude for State Dignity*, 81-92
- Child Online Protection Act, 78
- Choper, Jesse, 30-31, 94, 133
- City of Boerne v. Flores*, 10, 18, 28-29, 33, 128, 139-40, 146-47, 149-54
- Civil rights, 18, 22, 29, 68-69, 74, 120, 125-27, 193
- Civil Rights Act of 1964, 16, 45, 134
- CONDITIONAL FEDERAL SPENDING AND STATES' RIGHTS, Lynn A. Baker, 104-18
- Congress, relationship with U.S. Supreme Court, 145-57
- Constitution, U.S.
 - citizenship clause, 75, 85
 - commerce clause, 9-10, 16-18, 26, 32-33, 47, 55, 57, 59, 76, 127, 133-38, 146, 147, 152, 154, 161-65
 - due process clause, 75, 76
 - Eleventh Amendment, 9, 20, 148, 150
 - equal protection clause, 13-14, 16, 74-75, 85
 - establishment clause, 85
 - Fourteenth Amendment, Section 5, 10, 16, 18-19, 26, 29, 32-33, 127-28, 139-40, 146, 149, 154
 - privileges and immunities clause, 74-75, 76, 85
 - spending clause, 104-18, 127
 - supremacy clause, 68, 160
 - Tenth Amendment, 123-24, 161
- Criminal law, federalization of, 28, 29, 47-48, 136, 142, 186
- Death penalty, 185-94
- DID THE OKLAHOMA CITY BOMBERS SUCCEED? Jordan Steiker, 185-94
- Drug-Induced Rape Prevention and Punishment Act, 47
- ELUSIVE SAFEGUARDS OF FEDERALISM, THE, Marci A. Hamilton, 93-103
- Exit and sanctuary, 72-77
- Federal courts, protection of, 132-44
- Federalism, 9-23, 24-36, 37-51, 52-65, 66-80, 81-92, 93-103, 104-18, 119-31, 132-44, 145-57, 158-72, 173-84, 185-94
- decentralization, 27-28, 39-41, 47, 49, 60-61, 64, 122
- liberty, individual, variance in, 69-73
- racism, 45, 123, 126
- FEDERALISM AND FREEDOM, Seth F. Kreimer, 66-80
- FEDERALISM AND THE COURT: CONGRESS AS THE AUDIENCE? Vicki C. Jackson, 145-57
- FEDERALISM AND THE REHNQUIST COURT: A NORMATIVE DEFENSE, Steven G. Calabresi, 24-36
- Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank*, 150-53
- Garcia v. San Antonio Metropolitan Transit Authority*, 30, 94, 133-35, 162-63, 165, 167
- Germany, Federal Republic of
 - federalism, 173-84
 - Grundgesetz (Basic Law), 33, 175-82
 - Land revenue, 177

- GOODMAN, FRANK, Preface, 9-23
- Gun-Free School Zones Act, 28, 59, 127, 135, 136, 138-39
- Habeas corpus, 135, 185-94
- Halberstam, Daniel, 12-13
- HALBERSTAM, DANIEL and RODERICK M. HILLS, JR., *State Autonomy in Germany and the United States*, 173-84
- Hamilton, Marci, 11-12
- HAMILTON, MARCI A., *The Elusive Safeguards of Federalism*, 93-103
- Hans v. Louisiana*, 20-21, 148
- Hills, Roderick, Jr., 12-13
- HILLS, RODERICK M., *see* HALBERSTAM, DANIEL, *coauthor*
- INSIDE THE FEDERALISM CASES: CONCERN ABOUT THE FEDERAL COURTS, Ann Althouse, 132-44
- Internet, and federalism, 77-78
- Jackson, Vicki, 12
- JACKSON, VICKI C., *Federalism and the Court: Congress as the Audience?* 145-57
- JUDICIAL POWER AND THE RESTORATION OF FEDERALISM, Robert F. Nagel, 52-65
- JUDICIAL SOLICITUDE FOR STATE DIGNITY, Evan H. Caminker, 81-92
- Katzenbach v. McClung*, 16
- Katzenbach v. Morgan*, 16
- Kimel v. Florida Board of Regents*, 150-51
- Kramer, Larry, 94, 97-100
- Kreimer, Seth, 11
- KREIMER, SETH F., *Federalism and Freedom*, 66-80
- Liberty, of individuals, 66-80
variance in, 69-73, 106, 108-11, 114-15
- Lopez v. United States*, 127, 135, 137-38, 150
- Megan's Law, 47
- Migration, interstate, 72-77
- Nagel, Robert, 11
- NAGEL, ROBERT F., *Judicial Power and the Restoration of Federalism*, 52-65
- New Deal, 120-21
- New York v. United States*, 58-59, 123-24, 146, 147, 150, 163-68, 170, 174
- Personal Responsibility and Work Opportunity Act, 48, 75
- Political parties, and states' rights, 98, 101
- Printz v. United States*, 146, 148, 163-68, 70, 174
- PUPPY FEDERALISM AND THE BLESSINGS OF AMERICA, Edward L. Rubin, 37-51
- Racism, and federalism, 45, 123, 126
- Rehnquist, William H., 121
- Religious Freedom Restoration Act (RFRA), 28, 29, 99-100, 128, 139-40, 149-50
- Religious Land Use and Institutionalized Persons Act (RLUIPA), 100
- Roe v. Wade*, 35, 53, 63
- Rubin, Edward, 10, 33
- RUBIN, EDWARD L., *Puppy Federalism and the Blessings of America*, 37-51
- Saenz v. Roe*, 75, 85
- Schwartz, Herman, 12
- SCHWARTZ, HERMAN, *The Supreme Court's Federalism: Fig Leaf for Conservatives*, 119-31
- Seminole Tribe of Florida v. Florida*, 9, 20, 21, 146, 148
- South Dakota v. Dole*, 105-6, 111-16
- Sovereign immunity of states, 20-22, 57, 81-92, 135, 146, 148
- STATE AUTONOMY IN GERMANY AND THE UNITED STATES, Daniel Halberstam and Roderick M. Hills, Jr., 173-84
- STATE SOVEREIGNTY AND THE ANTI-COMMANDEERING CASES, Matthew D. Adler, 158-72
- States
competition between states, 108-11, 114-15
courts, state, 135, 187, 190-92
exit and sanctuary, 72-77
liberty of individuals, variance in, 69-73, 106, 108-11, 114-15
migration, interstate, 72-77
politicians, state, and federalism, 98-99, 167-68
prisoners, state, 186, 188, 190-92
revenue, 104-18, 127, 176, 177
sovereign immunity, 20-22, 57, 81-92, 135, 146, 148
supreme courts, 63
travel, interstate, 73-77
- Steiker, Jordan, 13
- STEIKER, JORDAN, *Did the Oklahoma City Bombers Succeed?* 185-94
- Supreme Court, U.S., and federalism, 9-23, 24-36, 52-65, 81-92, 93-103, 119-31, 132-44, 145-57, 158-72

SUPREME COURT'S FEDERALISM: FIG
LEAF FOR CONSERVATIVES, THE,
Herman Schwartz, 119-31

Travel, interstate, 73-77

United States v. Lopez, 9-10, 12, 16, 28, 33-35,
47, 146-47, 151, 152

United States v. Morrison, 10, 12, 16-20, 28-29,
33, 47, 69, 135, 147, 150, 152, 154

United States v. Printz, 47

Violence Against Women Act (VAWA), 10, 18,
19, 22, 28, 29, 59, 124-25, 127-29, 135,
136, 140-42, 147

Voting Rights Act, 16

Wechsler, Herbert, 30-31, 58, 94, 107, 133

